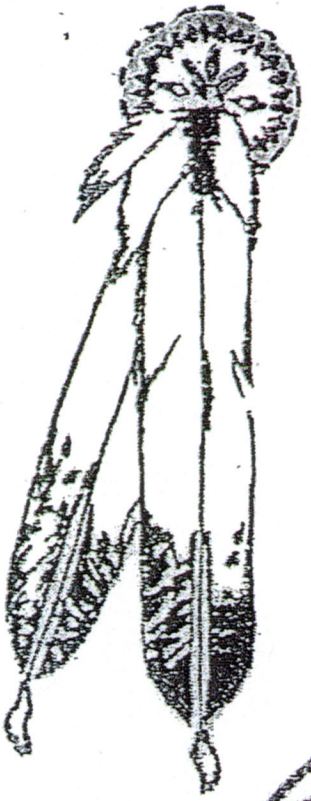
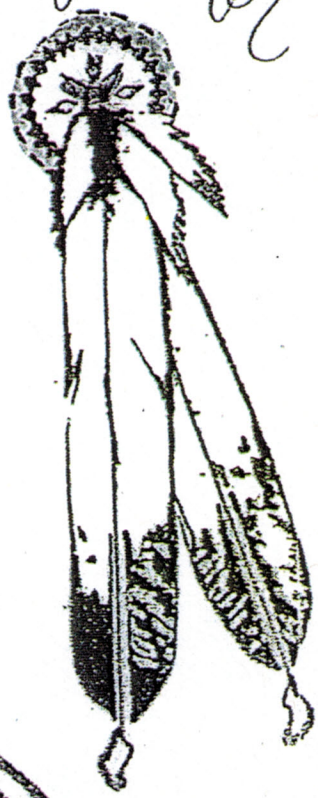
Constitution and By-laws

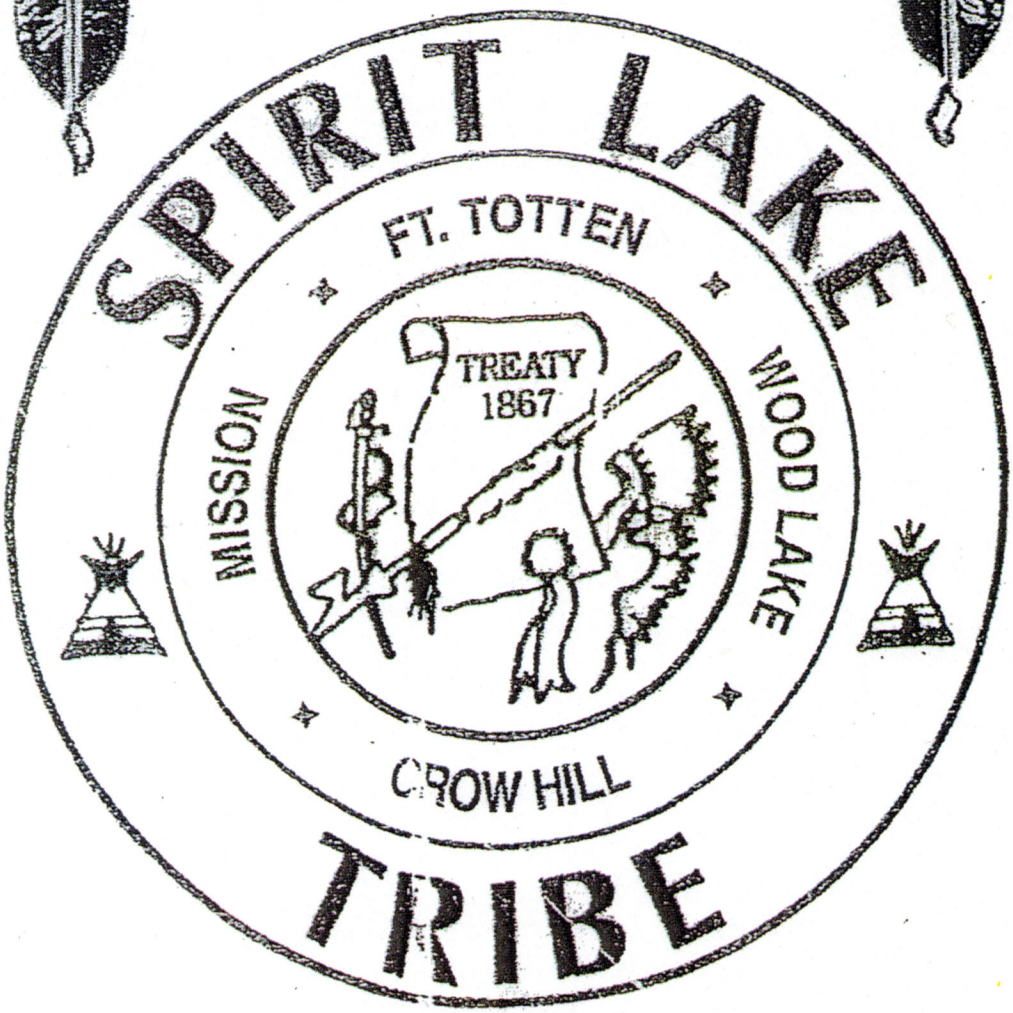
of the

Spirit Lake Tribe

CONSTITUTION
AND
BYLAWS







SPIRIT LAKE TRIBE

CONSTITUTION AND BYLAWS

Submitted for ratification April 14, 1944

Approved by the Commissioner, Bureau of Indian Affairs February 14, 1946

REVISIONS

January 10, 1958
May 5, 1960
July 14, 1961
July 17, 1969
May 3, 1974
April 16, 1976
May 4, 1981
November 21, 1991
August 19, 1996

SPIRIT LAKE TRIBE

CONSTITUTION AND BYLAWS

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SPIRIT LAKE TRIBE

CONSTITUTION AND BYLAWS

PREAMBLE

We, the members of the Spirit Lake Tribe, in order to promote justice, insure tranquility, encourage the general welfare, safeguard our interests and secure the blessings of freedom and liberty for ourselves and for our posterity, do hereby amend and revise our Tribal Constitution, reorganize our Tribal Council, and we do ordain and establish this Constitution and set of Bylaws as rules for its deliberation.

ARTICLE I - NAME

The name of this organization shall be the Spirit Lake Tribe.

ARTICLE II - JURISDICTION

The jurisdiction of this organization shall extend to all land on the Spirit Lake Reservation in the State of North Dakota and to such other lands as may be acquired by or in behalf of said tribe and added thereto under the laws of the United States.

ARTICLE III - MEMBERSHIP

Section 1. The membership of the Spirit Lake Tribe shall consist of:

(a) All persons of Indian blood whose names appear on the official Census Roll of the Tribe as of January 1, 1944.

(b) All persons of Indian blood whose names appear on the official Census Roll of the Tribe as of October 25, 1972. (As amended by Amendment, V, effective April 16, 1976.)

(c) Any child of one-fourth or more degree Sioux Indian blood born to any member of the Spirit Lake Tribe may be admitted to membership by a majority vote of the Tribal Council.

(d) Applications for membership shall be submitted by the applicant or his parent or guardian to a Committee on membership, which shall act on the same. The action of the Committee may be appealed by any tribal member to the Tribal Council.

Section 2. The Tribal Council shall have the power to promulgate ordinances, subject to approval of the Secretary of the Interior or his delegated representative, covering present and future membership and the adoption of new members.

ARTICLE IV - GOVERNING BODY

Section 1. The governing body of the Spirit Lake Tribe shall be the Tribal Council and shall consist of four district (councilmen) representatives and two officers.

Section 2. In addition to the four district representatives, the tribe, as a whole, shall elect a Chairman and a Secretary-Treasurer who shall be elected by a popular vote regardless of district.

Section 3. The Tribal Council shall have authority to regulate its own procedures, to appoint a Vice-Chairman to act in the absence of the Chairman, to appoint subordinate committees, delegates, boards, tribal officials and employees not otherwise provided for in this constitution and bylaws and to provide their tenure and duties; provided, that any delegation of authority described in this constitution and bylaws shall be granted only by written resolution or ordinance and shall be withdrawn in the same manner.

Section 4. The Tribal Council shall have the power to re-district the Spirit Lake Tribe Reservation and to apportion the representatives, subject to the vote of the Reservation Indians, whenever such action is deemed advisable by the Tribal Council.

ARTICLE V - NOMINATIONS AND ELECTIONS

Section 1. (a) Every election shall be by secret ballot and a majority vote shall govern.

(b) Every enrolled member of the Spirit Lake Tribe of the age of 18 years or more, who has resided on the reservation for period of one year immediately prior to the election, shall be entitled to vote in any election.

(c) Every eligible voter shall register in the district of such voter's residence at the time of election.

(d) Every eligible voter of the age of 25 years or more shall be eligible to be a candidate for district representative or for any other tribal office.

(e) Every eligible candidate shall file a notice of intent to run for office on or before the third Tuesday of March.

(f) A primary election shall be held to select two qualified candidates for each office to be filled at the general election.

(g) The primary election shall be held on the third Tuesday of April. If the day on which the primary election is to be held occurs on a holiday, the election shall be held on the next regular business day.

(h) If the primary election cannot be held as provided for herein for any reason, the Tribal Council shall set the dates for the filing of notices of intent to run and for the primary election.

(i) The general election shall be held 14 days after the primary election. If the day on which the general election is to be held occurs on a holiday, the election shall be held on the next regular business day.

(j) The Tribal Council shall enforce this article by appropriate legislation.

Section 2. (a) The Reservation shall consist of four districts and shall have representation as follows:

Crowhill District	1 Representative
Fort Totten District	1 Representative
Mission District	1 Representative
Woodlake District	1 Representative

(b) Votes for candidates for District Representatives shall be confined to the eligible voters of the district the candidates is to represent. Votes for the Secretary-Treasurer and Chairman shall be on a reservation-wide basis.

(c) The four districts are described as follows:

CROWHILL DISTRICT

All territory within the boundaries of the Reservation lying West of the North-South line dividing Township R66W and R65W.

FORT TOTTEN DISTRICT

All territory within the confines of the Reservation boundary on the east by Road #3 known as the Sheyenne Road, the Ski Jump Road, State Highway #57, and Road #1 running North from State Highway #57, along the line between Township 152 N. Range 64 W., and bounded on the West by the North-South line dividing Township 152 N. and Township 153 N.

MISSION DISTRICT

All territory within the confines of the Reservation bounded on the east by Road #3 known as the Sheyenne Road, the Ski Jump Road, State Highway #57, along the line between Township 152 N., Range 65 W. and Township 152 N., Range 64 W. and bounded on the south by the East-West line between Township 152 N. and Township 151 N.

WOODLAKE DISTRICT

All territory within the confines of the Reservation bounded on the West-East Road #6 known as the Sheyenne Road, and on the north by the East-West line between Township 152 N. and Township 151 N.

(Entire Section 4 amended by Amendment VII, effective April 16, 1976.)

Section 3. (a) At the first general election scheduled after adoption of this amendment, the chairperson and the candidate from each of the districts who receives the largest number of votes shall hold office for a term of three years, and the secretary-treasurer and candidate from each of the districts who receives the second largest number of votes shall hold office for a term of two years. (As amended by Amendment No. IV, effective May 3, 1974.)

(b) The terms of office of the officer and the district representatives elected in the 1991 general election shall be four years.

(c) The terms of office of the officer and the district representatives which do not expire in 1991 shall be extended for one additional year.

(d) The terms of office of each officer and each district representative elected after the 1991 general election shall be four years.

(e) The annual election of the governing body shall be held on the first Tuesday after the first Monday in May.

(f) If the general election cannot be held as provided for herein for any reason, the Tribal Council shall set the date for the general election so as to provide candidates an appropriate amount of time in which to campaign for office.

(g) If the day on which the general election is to be held occurs on a holiday, the election will be held on the next regular business day.

Section 4. No person shall hold any elective office of the Spirit Lake Tribe who has been convicted of a felony in any jurisdiction of the United States. The courts of the Spirit Lake Tribe shall enforce this article.

(Entire Article V amended by Amendments XI and XII, effective November 21, 1991.)

ARTICLE VI - GOVERNMENTAL AUTHORITIES

The Tribal Council of the Spirit Lake Tribe shall exercise the following powers, subject to any limitations imposed by this Constitution and Bylaws or the laws and regulations of the Federal Government.

Section 1. The Tribal Council, or its authorized officers or delegates, on behalf of the Spirit Lake Tribe shall have sole right and authority to represent the tribe and to negotiate with the Federal, State and local Governments and with private persons and to make decisions not contrary to this Constitution and Bylaws or with existing Federal laws.

Section 2. To employ legal counsel, subject to the approval of the Secretary of the Interior, or his duly authorized representative, so long as such approval is required by federal law.

Section 3. To regulate and license where permitted by law, all business and professional activities conducted upon the Reservation, provided that any assessment upon non-members, trading or residing within the jurisdiction of the tribe, shall be subject to review of the Secretary of the Interior or his duly authorized representative, where required by law.

Section 4. To enact ordinances to regulate the conduct and domestic relations of the members of the tribe, or Indians from other tribes on the Reservation, subject to the review of the Secretary of the Interior or his duly authorized representative.

Section 5. To assess members to obtain funds with which to pay the expenses of any tribal activity.

Section 6. To administer any funds within the control of the tribe. To make expenditures from available funds for tribal purposes , including salaries and expenses of tribal officials and employees. All expenditures of tribal funds under control of the Tribal Council shall be authorized by resolution duly enacted by the Tribal Council in legal session and the amounts so expended shall be a matter of public record to the members of the tribe at all reasonable times.

Section 7. To prepare annual budget requests for the advancement to the control of the tribe such money as now or may hereafter be deposited to the credit of the tribe in the United States Treasury or which may hereafter be appropriated for the use of the tribe.

Section 8. To deposit to the credit of the Spirit Lake Tribe all tribal funds, without limitation on the amount in any account. in any approved National or State Bank whose deposits are insured by an agency of the Federal Government; or with a bonded disbursing officer of the United States whenever the conditions prescribed by the Secretary of the Interior or his authorized representative in connection with such advances require the advance to be so deposited.

Section 9. To manage, lease or otherwise deal with tribal lands and tribal resources in accordance with existing Federal law.

Section 10. To engage in any business that will further the economic well-being of the members of the Spirit Lake Tribe.

Section 11. To enact ordinances to provide rules and regulations governing fishing, hunting, and trapping on the Spirit Lake Reservation.

Section 12. To purchase and to otherwise acquire land and other property for or on behalf of the Spirit Lake Tribe. As authorized by law, to manage, lease, permit, sell, or otherwise deal with tribal lands, interest in lands, or other tribal assets. (Amendment No. III, effective May 3, 1974.)

Section 13. The Tribal Council shall prepare and present to the members of the Tribe a budget of proposed expenditures of all tribal funds for the coming fiscal year. The Tribal Council shall have the power to enforce this article by appropriate legislation.

ARTICLE VII - FUTURE AND RESERVED POWERS

Section 1. The Tribal Council of the Spirit Lake Tribe may exercise such powers as may in the future be granted to the Council by members of the tribe or the Secretary of the Interior or by any other duly authorized official or agency of the Federal Government.

ARTICLE VIII - MANNER OF REVIEW

Section 1. Any resolution or ordinance which by terms of this Constitution is subject to review by the Secretary of the Interior shall within ten days of its enactment be presented to the Superintendent of the Fort Totten Agency or other authorized official who shall within ten days after its receipt by him, approve or disapprove it. (As amended by Amendment VI, effective April 16, 1976.)

Section 2. If the Superintendent approves any resolution or ordinance, it shall thereupon become effective, but the Superintendent shall transmit the enactment bearing his endorsement to the Secretary of the Interior who may, within 90 days of the date of its enactment, rescind the resolution or ordinance for any cause by notifying the Spirit Lake Tribal Council of his veto.

Section 3. If the Superintedent disapproves any resolution or ordinance, he shall, within ten days after its receipt by him, advise the Tribal Council of his reasons therefor, and if these reasons appear to the Council insufficient it may, by vote of the majority of all members, refer the resolution or ordinance to the Secretary of the Interior, and if approved by him in writing, it shall become effective.

ARTICLE IX - REFERENDUM, REMOVAL AND RECALL

Section 1. Upon receipt of a petition by 20 percent of the resident voters, or by an affirmative vote of four members of the Tribal Council, any enacted or proposed resolution or

ordinance of the Tribal Council shall be submitted to a referendum of the eligible voters of the Spirit Lake Tribe. The majority of the votes cash in such referendum shall be conclusive and binding on the Tribal Council. The Tribal Council shall call such referendum and prescribe the manner of conducting the vote.

Section 2. The Tribal Council shall enact an ordinance which shall prescribe regulations, charges and reasons for removal of a district representative or officer. The grounds for removal, right of petition, and other factors shall be carefully framed to protect the interests of the Spirit Lake Tribe.

Section 3. The Tribal Council by an affirmative vote of the majority shall appoint a replacement to fill any vacancy of a district representative (councilman) or officer, caused by removal, death or resignation, provided the term of the replacement shall not extend beyond the next regular election regardless of the length of the unexpired term.

Section 4. The members of the Tribe shall have the power to recall or reinstate any member of the Tribal Council. The Tribal Chairman, or in his absence or in the case of his involvement, the Vice-Chairman, shall call a general meeting of the qualified resident voters of the district or districts represented by a council member or members for the purpose of considering the recall or reinstatement of a council member or members upon filling with the council office a petition containing the signatures of not less than 20% of the qualified resident voters of the district or districts of the council member or members involved. If the Tribal Chairman, or in the case of his absence or in the case of his involvement the Vice-Chairman, fails to call such a meeting, it will then be the duty of the Tribal Court to call such a meeting.

A general meeting shall be held at the Kennedy Hall at Fort Totten, North Dakota, commencing at 10:00 a.m. on the 7th day after the filing of such petition with the council office. Notice of such meeting shall be posted for not less than five days prior to the date of the meeting in three public places in the district or districts represented by the council member or members whose recall or reinstatement is sought.

Said notice shall state the name of the person or persons involved and that such person or persons shall be given an opportunity to be heard before a final vote is taken.

Any meeting to consider the recall or reinstatement of a council member shall be conducted by the Tribal Chairman, or if he is directly involved, the Vice-Chairman.

A majority vote of those present and voting shall be required to recall or reinstate any tribal council member and to elect a replacement for any council member recalled. Any replacement for a council member shall meet those residency qualifications required of the person recalled. Any replacements for any such council member duly recalled shall be sworn into office immediately or as soon thereafter.

as possible. Balloting in conjunction with any recall or reinstatement action shall be conducted in secret.

After one recall petition and general meeting to consider the recall of a council member or members, no further recall petitions shall be filed against the same member or members of the Tribal Council within one year from filing of said petition. (As amended by Amendment No. 1, effective June 17, 1969.)

ARTICLE X - ADOPTION AND AMENDMENT

Section 1. This revised Constitution and Bylaws, when adopted by a majority vote of at least 20 percent of the qualified voters of the Spirit Lake Tribe, voting at a special election called and supervised by the Constitutional Committee and the Superintendent or his delegated representative, shall be submitted to the Secretary of the Interior and shall be in force and effect from the date of approval.

Section 2. (a) This Constitution and Bylaws may be amended by a majority of the qualified voters of the Spirit Lake Tribe at an election called for that purpose: *PROVIDED* that at least 20 percent of the qualified resident voters of the tribe shall vote in such election but no amendment shall become effective until it shall have been approved by the Secretary of the Interior or his delegated representative.

(b) It shall be the duty of the Tribal Council to call such election on any proposed amendment upon receipt of a petition signed by 20 percent of the qualified resident voters of the Tribe or the Tribal Council may call such an election by an affirmative vote of four members of the Tribal Council.

BYLAWS

ARTICLE I - TRIBAL COUNCIL

Section 1. A regular monthly meeting of the governing body shall be set by the Tribal Council. The Chairman shall call all special meetings.

Section 2. A quorum shall consist of four members and no business shall be conducted in the absence of a quorum.

Section 3. The Tribal Council shall cause to be installed, maintained and audited a complete and detailed accounting system.

Section 4. All officers and employees of the council responsible for the safety of property and money shall be bonded in an amount sufficient to insure the tribe from loss.

Section 5. The newly elected district representatives (councilmen) and officers shall be installed in office at the first regular meeting of the Tribal Council after certificates of their election have been issued.

ARTICLE II - DUTIES OF OFFICERS

Section 1. CHAIRMAN: He shall preside at all meetings, regular and special. He shall vote only in the case of a tie. He shall see that all resolutions and ordinances of the Tribal Council are carried into effect. He shall exercise general supervision of all other officers and employees and see that their respective duties are performed.

Section 2. SECRETARY-TREASURER: He or she shall keep the minutes of the principal office of the Tribal Council of all meetings of the Tribal Council. He or she shall keep the Tribal Rolls, showing all changes therein as required by this Constitution or Ordinances duly approved by the Tribal Council. He or she shall attend to all correspondence, distribution or tribal information or other duties incidental to this office including the reproduction of minutes, resolutions and ordinances and see to their distribution within deadlines, if there be deadlines. He or she shall also keep and maintain adequate and correct accounts of the properties and business transactions of the Tribal Council. He or she shall have care and custody of funds and valuables of the Tribal Council and deposit same in the name of and to the credit of the Devils Lake Sioux Tribe with such depositories as the Tribal Council may direct and which are acceptable to the Area Director, disburse funds of the Tribal Council as may be ordered by the Tribal Council, taking proper signed invoices, vouchers or other recordable data, render to the Tribal Council a monthly statement and report of all his transactions as Secretary-Treasurer and render also an annual financial statement in the firm and with the detail required by the Tribal Council.

SUMMARY OF AMENDMENTS
TO REVISED CONSTITUTION AND BYLAWS
OF DEVILS LAKE SIOUX TRIBE

I. Establishes recall procedures, deleted word "recall" from Article IX, Section 2 and changed title of Article IX to Referendum, Removal and Recall. Amended title of Article IX, Section 2 and added a Section 4. Adopted by a vote of 99 for and 21 against in an election in which 20 per-cent of the 122 registered voters cast their ballots. Approved June 17, 1969, T. W. Taylor, Acting Commissioner of Indian Affairs, Washington, D. C.

II. Permits eighteen (18) year olds to vote in elections. Amended Article V, Section 2 (a). Adopted by a vote of 128 for and 39 against. Approved April 30, 1974, W. D. Babby, Area Director, Aberdeen, South Dakota.

III. Authorizes purchase and other acquisition of land and property. Amended Article VI, by adding a new Section 12. Adopted by a vote of 123 for and 43 against. Approved May 3, 1974, Jose A. Zuni, Acting Deputy Commissioner of Indian Affairs, Washington, D. C.

IV. Establishes staggered terms of office and two-year for the Tribal Council. Amended Article V, Section 5 (a) and (b). Adopted by a vote of 123 for and 43 against. Approved May 3, 1974, Jose A. Zuni, Acting Deputy Commissioner of Indian Affairs, Washington, D. C.

V. Recognizes October 25, 1972, Judgment Roll as a document for determining tribal membership and established requirements for future membership. Amended Article III, Section 1 (b) and (c). Adopted by a vote of 125 for and 30 against in an election in which 20 percent of the 377 members entitled to vote cast their ballot. Approved April 16, 1976, Harley D. Zephier, Area Director, Aberdeen, South Dakota.

VI. Deletes Superintendent of Turtle Mountain Agency and inserts Superintendent of Fort Totten Agency as official responsible for approval or disapproval of enactments subject to review. Amended Article VIII, Section 1. Adopted by a vote of 141 for and 16 against in an election in which 20 percent of the 377 members entitled to vote cast their ballot. Approved April 16, 1976, Harley D. Zephier, Area Director, Aberdeen, South Dakota.

SUMMARY OF AMENDMENTS (Continued)

VII. Reapportionment of voting districts. Amended Article V, Section 4 (a), (b), and (c). Adopted by a vote of 139 for and 18 against in an election in which 20 percent of the 377 members entitled to vote cast their ballot. Approved April 16, 1976, Harley D. Zephier, Area Director, Aberdeen, South Dakota. Correction to Crow Hill District description by Resolution A05-76-161 approved by Area Director Harley D. Zephier, April 16, 1976.

AMENDMENT
REVISED CONSTITUTION AND BYLAWS
OF THE
DEVILS LAKE SIOUX TRIBE
FORT TOTTEN, NORTH DAKOTA

AMENDMENT I

Article IX of the constitution, Referendum and Recall, shall be amended to add a new Section 4 as follows:

The members of the Tribe shall have the power to recall or reinstate any member of the Tribal Council. The Tribal Chairman, or in his absence or in the case of his involvment the Vice Chairman, shall call a general meeting of the qualified resident voters of the district or districts represented by a council member or members for the purpose of considering the recall or reinstatement of a council member or membrs upon filing with the council office a petition containing the signatures of not less than 20% of the qualified resident voters of the district or districts of the council member or members involved. If the Tribal Chairman, or in the case of his absence or in the case of his involvement the Vice Chairman, fails to call such a meeting, it will then be the duty of the Tribal Court to call such a meeting.

A general meeting shall be held at Kennedy Hall at Fort Totten, North Dakota, commencing at 10:00 a.m. on the 7th day after the filing of such petition with the Council Office. Notice of such meeting shall be posted for not less than 5 days prior to the day of the meeting in three public places in the district or districts represented by the council member or members whose recall or reinstatement is sought. Said notice shall state the name of the person or persons involved and that such person or persons shall be given an opportunity to be heard before a final vote is taken.

Any meeting to consider the recall or reinstatement of a council member shall be conducted by the Tribal Chairman, or if he is directly involved, the Vice Chairman. A majority vote of those present and voting shall be required to recall or reinstate any tribal council member and to elect a replacement for any council member recalled. Any replacement for a council member shall meet those residency qualifications required of the person recalled. Any replacement for any such council member duly recalled shall be sworn into office immediately or as soon thereafter as possible. Balloting in conjunction with any recall or reinstatement action shall be conducted in secret.

After one recall petition and general meeting to consider the recall of a council member or members, no further recall petitions shall be filed against the same member or members of the tribal council within one year from the filing of said petition.

Section 2 of Article IX shall be amended to delete the word "recall".

"REFERENDUM AND RECALL" as used in the title of Article IX shall read:

REFERENDUM, REMOVAL AND RECALL"

A P P R O V A L

I, Acting Commissioner of Indian Affairs, as required in Article X of the Revised Constitution and Bylaws of the Devils Lake Sioux Tribe, Fort Totten, North Dakota, hereby approve Amendment I to said document to be effective on the date of this approval.

(Sgd) T. W. Taylor
Acting Commissioner

Washington, D. C.

Date: June 17, 1969

CERTIFICATION OF ELECTION RETURNS

DEVILS LAKE SIOUX RESERVATION
Fort Totten, North Dakota

MAY 29, 1969

We, the undersigned, Election Judges for the Devils Lake Sioux tribal referendum election held May 28, 1969, to consider a proposed amendment to the Revised Constitution of the Devils Lake Sioux Tribe, hereby certify that at least 20% of the eligible resident voters of the Devils Lake Sioux Reservation registered and voted, and that the reservation-wide election returns are as follows:

	Crow Hill Ft. Totten	Mission-Wood Lake	Total
Votes Cast	41	81	122
"Yes" votes	39	60	99
"No" votes	2	19	21
Spoiled ballots	0	1	1
Challenge ballots accepted and counted	0	0	0
Challenge ballots not counted	0	1	1

CROW HILL-FORT TOTTEN

(Sgd) George S. Brown
Chief Election Judge

(Sgd) John Leftbear
Associate Election Judge

(Sgd) John Little
Associate Election Judge

(Sgd) Jesse McKay
Alternate Election Judge

MISSION-WOOD LAKE

(Sgd) Frank Greybear
Chief Election Judge

(Sgd) Frank DeMarce
Associate Election Judge

(Sgd) Henry One Bear
Associate Election Judge

(Sgd) Frank Guy
Alternate Election Judge

(Sgd) Jerome F. Tomhave
Superintendent, Fort Totten Agency

AMENDMENT
REVISED CONSTITUTION AND BYLAWS
OF THE
DEVILS LAKE SIOUX TRIBE
FORT TOTTEN, NORTH DAKOTA

AMENDMENT NO. II

Section 2 (a) of Article V of the Constitution, Nominations and Elections shall be amended to read as follows:

> Section 2 (a). Any enrolled member of the Devils Lake Sioux Tribe, 18 years of age or over shall be entitled to vote in any election, provided they have resided on the reservation for a period of one year immediately prior to a given election.

A P P R O V A L

I, Wyman D. Babby, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to me by 10 BIAM 3.3C (1), hereby approve the attached Amendment No. II to Article V, Section 2 (a), to the Revised Constitution and Bylaws of the Devils Lake Sioux Tribe.

(Sgd) W. D. Babby
Area Director

Aberdeen, South Dakota

Date: April 30, 1974

ELECTION BOARD CERTIFICATION
DEVILS LAKE SIOUX TRIBAL REFERENDUM ELECTION
April 23, 1974

REFERENDUM NO. 1
(Changed to Amendment II)

CROW HILL-FORT TOTTEN DISTRICT	MISSION-WOOD LAKE DISTRICT
Yes 77 No 11 Total 88	Yes 51 No 28 Total 79

Grand Total 167

We, the members of the Devils Lake Sioux Tribe Election Board hereby certify that the above tally is a correct and accurate count of the votes as shown by the District Election Board Certification in the Referendum Election held April 23, 1974, for the Devils Lake Sioux Tribe, in accordance with the Constitution of the Devils Lake Sioux Tribe, Article (X) 10, Section Two (a), of the revised Constitution and By-laws, dated July 14, 1961.

(Sgd) Joseph Littlewind
Chairman, Election Board, Devils Lake Sioux Tribe

(Sgd) Alice One Bear
Member, Election Board

(Sgd) Patrick White
Member, Election Board

(Sgd) Gene Cavanaugh
Member, Election Board

Amendment
Revised Constitution and Bylaws
of the
Devils Lake Sioux Tribe
Fort Totten, North Dakota

AMENDMENT NO. III

Article VI, GOVERNMENTAL AUTHORITIES, shall be amended by adding a new Section 12 to read as follows:

Section 12. To purchase and to otherwise acquire land and other property for or on behalf of the Devils Lake Sioux Tribe. As authorized by law, to manage, lease, permit, sell, or otherwise deal with tribal lands, interest in lands, or other tribal assets.

Approval

I, Jose A. Zuni, Acting Deputy Commissioner of Indian Affairs, as required in Article X of the Revised Constitution and Bylaws of the Devils Lake Sioux Tribe, Fort Totten, North Dakota, hereby approve Amendment III to said document to be effective on the date of this approval.

(Sgd) Jose A. Zuni
Acting Deputy Commissioner of Indian Affairs

Washington, D. C.

Date: May 3, 1974

ELECTION BOARD CERTIFICATION
DEVILS LAKE SIOUX TRIBAL REFERENDUM ELECTION
April 23, 1974

REFERENDUM NO. 2
(Changed to Amendment III)

CROW HILL-FORT TOTTEN DISTRICT	MISSION-WOOD LAKE DISTRICT
Yes 73 No 14 Total 87	Yes 50 No 29 Total 79

Grand Total 166

We, the members of the Devils Lake Sioux Tribe Election Board hereby certify that the above tally is a correct and accurate count of the votes as shown by the District Election Board Certification in the Referendum Election held April 23, 1974, for the Devils Lake Sioux Tribe, in accordance with the Constitution of the Devils Lake Sioux Tribe, Article (X) 10, Section Two (a), of the revised Constitution and By-laws, dated July 14, 1961.

(Sgd) Joseph Littlewind
Chairman, Election Board, Devils Lake Sioux Tribe

(Sgd) Alice One Bear
Member, Election Board

(Sgd) Patrick White
Member, Election Board

(Sgd) Gene Cavanaugh
Member, Election Board

Amendment
Revised Constitution and Bylaws
of the
Devils Lake Sioux Tribe
Fort Totten, North Dakota

AMENDMENT NO. IV

Section 5 (a) and (b) of Article V, NOMINATIONS AND ELECTIONS, are hereby amended to read as follows:

Section 5 (a). At the first general election scheduled after adoption of this amendment, the chairperson and the candidate from each of the districts who receives the largest number of votes shall hold office for a term of three years, and the secretary-treasurer and the candidate from each of the districts who receives the second largest number of votes shall hold office for a term of two years.

Section 5 (b). After the election described in the immediately proceding paragraph (a), each subsequent election of officers shall be for two-year terms.

Approval

I, Jose A. Zuni, Acting Deputy Commissioner of Indian affairs, as required in Article X of the Revised Constitution and Bylaws of the Devils Lake Sioux Tribe, Fort Totten, North Dakota, hereby approve Amendment IV to said document to be effective on the date of this approval.

(Sgd) Jose A. Zuni
Acting Deputy Commissioner of Indian Affairs

Washington, D. C.

Date: May 3, 1974

ELECTION BOARD CERTIFICATION
DEVILS LAKE SIOUX TRIBAL REFERENDUM ELECTION
April 23, 1974

REFERENDUM NO. 3
(Changed to Amendment IV)

CROW HILL-FORT TOTTEN DISTRICT	MISSION-WOOD LAKE DISTRICT
Yes 76 No 12 Total 88	Yes 47 No 31 Total 78

Grand Total 166

We, the members of the Devils Lake Sioux Tribe Election Board hereby certify that the above tally is a correct and accurate count of the votes as shown by the District Election Board certification in the Referendum election held April 23, 1974, for the Devils Lake Sioux Tribe, in accordance with the Constitution of the Devils Lake Sioux Tribe, Article (X) 10, Section Two (a), of the revised constitution and by-laws, dated July 14, 1961.

(Sgd) Joseph Littlewind
Chairman, Election Board, Devils Lake Sioux Tribe

(Sgd) Alice One Bear
Member, Election Board

(Sgd) Patrick White
Member, Election Board

(Sgd) Gene Cavanaugh
Member, Election Board

AMENDMENT
CONSTITUTION AND BYLAWS
of the
DEVILS LAKE SIOUX TRIBE
FORT TOTTEN, NORTH DAKOTA

AMENDMENT V

Section 1. (b), (c) of Article III - Membership shall read as follows:

(b) All persons of Indian blood whose names appear on the official Census Roll of the Tribe as of October 25, 1972.

(c) Any child of one-fourth or more degree Devils Lake Sioux Indian blood born to any member of the Devils Lake Sioux Tribe may be admitted to membership by a majority vote of the Tribal Council.

APPROVAL

I, Harley D. Zephier, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to me by 10 BIAM 3.1, hereby approve the attached Amendment V to the Constitution and Bylaws of the Devils Lake Sioux Tribe of the Fort Totten Reservation, North Dakota.

(Sgd) Harley D. Zephier
Area Director

Date: April 16, 1976

Aberdeen Area Office
Aberdeen, South Dakota

ELECTION BOARD CERTIFICATION
DEVILS LAKE SIOUX TRIBAL REFERENDUM ELECTION
February 17, 1976

AMENDMENT V

CROW HILL-FORT TOTTEN DISTRICT	MISSION-WOOD LAKE DISTRICT
Yes 73 No 14 Total 87	Yes 52 No 16 Total 68

Grand Total 155

We, the members of the Devils Lake Sioux Tribe Election Board hereby certify that the above tally is a correct and accurate count of the votes as shown by the District Election Board Certification in the Referendum Election held February 17, 1976, for the Devils Lake Sioux Tribe, in accordance with the Constitution of the Devils Lake Sioux Tribe, Article (x) 10, Section Two (a), of the revised Constitution and By-Laws, dated July 14, 1961.

(Sgd) Joe Littlewind
Chairman, Election Board, Devils Lake Sioux Tribe

(Sgd) Patrick White
Member, Election Board

(Sgd) Alice One Bear
Member, Election Board

(Sgd) Lawrence Joshua, Sr.
Member, Election Board

AMENDMENT
CONSTITUTION AND BYLAWS
OF THE
DEVILS LAKE SIOUX TRIBE
FORT TOTTEN, NORTH DAKOTA

AMENDMENT VI

Section 1 of Article VIII - Manner of Review shall be amended to read as follows:

Section 1. Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior shall within ten days of its enactment be presented to the Superintendent of the Fort Totten Agency or other authorized official who shall within ten days after its receipt by him, approve or disapprove it.

APPROVAL

I, Harley D. Zephier, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to me by 10 BIAM 3.1, hereby approve the attached Amendment VI to the Constitution and Bylaws of the Devils Lake Sioux Tribe of the Fort Totten Reservation, North Dakota.

(Sgd) Harley D. Zephier
Area Director

Date: April 16, 1976

Aberdeen Area Office
Aberdeen, South Dakota

ELECTION BOARD CERTIFICATION
DEVILS LAKE SIOUX TRIBAL REFERENDUM ELECTION
February 17, 1976

AMENDMENT VI

CROW HILL-FORT TOTTEN DISTRICT	MISSION-WOOD LAKE DISTRICT
Yes 78 No 9 Total 87	Yes 63 No 7 Total 70

Grand Total 157

We, the members of the Devils Lake Sioux Tribe Election Board hereby certify that the above tally is a correct and accurate count of the votes as shown by the District Election Board Certification in the Referendum Election held February 17, 1976, for the Devils Lake Sioux Tribe, in accordance with the Constitution of the Devils Lake Sioux Tribe, Article (X) 10, Section Two (a), of the revised Constitution and By-Laws, dated July 14, 1961.

(Sgd) Joe Littlewind
Chairman, Election Board, Devils Lake Sioux Tribe

(Sgd) Patrick White
Member, Election Board

(Sgd) Alice One Bear
Member, Election Board

(Sgd) Lawrence Joshua
Member, Election Board

AMENDMENT
CONSTITUTION AND BYLAWS
OF THE
DEVILS LAKE SIOUX TRIBE
FORT TOTTEN, NORTH DAKOTA

AMENDMENT VII

Section 4 of Article V - Nominations and Elections shall be amended to read as follows:

(a) The reservation shall consist of four districts and shall have representatives as follows:

Crowhill District	1 Representative
Fort Totten District	1 Representative
Mission District	1 Representative
Wood Lake District	1 Representative

(b) Votes for candidates for District Representatives shall be confined to the eligible voters of the District the candidate is to represent. Votes for the Secretary-Treasurer and Chairman shall be on a reservation-wide basis.

(c) The four districts are described as follows:

Crowhill District

All territory within the boundaries of the Reservation lying west of the north-south line dividing Township R.66W and R.65W.

Fort Totten District

All territory within the confines of the Reservation boundary on the east by Road # 3 known as the Sheyenne Road, the Ski Jump Road, State Highway # 57, and Road # 1 running north from State Highway # 57, along the line between Township 152 N., Range 65 W. and Township 152 N. Range 64 W., and bounded on the west by the North-South line dividing Township 152 N. and Township 153 N.

Mission District

All territory within the confines of the Reservation bounded on the west by Road # 3 known as the Sheyenne Road, the Ski Jump Road, State Highway # 57, and Road # 1 running north from State Highway # 57, along the line between Township 152 N., Range 65 W. and Township 152 N., Range 64 W., and bounded on the south by the East-West line between Township 152. N. and Township 151 N.

Wood Lake District

All territory within the confines of the reservation bounded on the west by Road No. 3 known as the Sheyenne Road, and on the north by the East-west line between Township 152 N. and Township 151 N. (Amendment VII shown as modified by Resolution No. A05-76-1(

APPROVAL

I, Harley D. Zephier, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to me by 10 BIAM 3.1, hereby approve the attached Amendment VII to the Constitution and Bylaws of the Devils Lake Sioux Tribe of the Fort Totten Reservation, North Dakota.

(Sgd) Harley D. Zephier
Area Director

Date: April 16, 1976

Aberdeen Area Office
Aberdeen, South Dakota

ELECTION BOARD CERTIFICATION
DEVILS LAKE SIOUX TRIBAL REFERENDUM ELECTION
February 17, 1976

AMENDMENT VII

CROW HILL-FORT TOTTEN DISTRICT	MISSION-WOOD LAKE DISTRICT
Yes 73 No 14 Total 87	Yes 66 No 4 Total 70

GRAND TOTAL 157

We, the members of the Devils Lake Sioux Tribal Election Board hereby certify that the above tally is a correct and accurate count of the votes as shown by the District Election Board Certification in the Referendum Election held February 17, 1976, for the Devils Lake Sioux Tribe, in accordance with the Constitution of the Devils Lake Sioux Tribe, Article (X) 10, Section Two (a), of the revised Constitution and By-Laws, odated July 14, 1961.

(Sgd) Joe Littlewind
Chairman, Election Board, Devils Lake Sioux Tribe

(Sgd) Alice One Bear
Member, Election Board

(Sgd) Patrick White
Member, Election Board

(Sgd) Lawrence Josbua, Sr.
Member, Election Board

Tribal Government
and Indian Rights

April 30, 1976

Memorandum

To: Superintendent, Fort Totten Agency

From: Office of the Area Director

Subject: Devils Lake Sioux Tribal Resolution No. A05-76-161

This is to acknowledge receipt of the above-mentioned resolution which explains that there was a mistaken description of the boundaries on the ballot for the Crow Hill District on the recent constitutional amendment election.

As mentioned in the resolution, there was an "explanation to the eligible resident voters were based on the concept of a North - South line dividing Range 65W and Range 66W," traditional district lines.

In view of the above, Crowhill District will be described as follows under Article V, Section 4(c) of the Tribe's Constitution:

Crowhill District

All territory within the boundaries of the Reservation lying west of the north-south line dividing township R. 66W and R. 65W.

(Sgd) Harley D. Zephier
Area Director

AMENDMENT
CONSTITUTION AND BYLAWS
of the
DEVILS LAKE SIOUX TRIBE
FORT TOTTEN, NORTH DAKOTA

AMENDMENT IX

Section 3 (b) of ARTICLE V - NOMINATIONS AND ELECTIONS shall be amended to read as follows:

Section 3. (b) There shall be a primary election for all elected offices of the Devils Lake Sioux Tribe to narrow the candidate field to two qualified candidates for the general election.

Eligible candidates shall file their notice of intent to run for office thirty (30) days before the date set for the primary election by the Tribal Council.

The date of the general election shall be fourteen (14) days after the primary election.

The Tribal Council shall set the date of the primary election at least forty-five (45) days and not more than sixty (60) days from the date that the Tribal Council first calls for the election.

The Tribal Council shall have the power to enforce this article by appropriate legislation.

This amendment shall become effective June 15, 1981.

AMENDMENT
CONSTITUTION AND BYLAWS
of the
DEVILS LAKE SIOUX TRIBE
FORT TOTTEN, NORTH DAKOTA

AMENDMENT VIII

A new Section 13 is added to ARTICLE VI - GOVERNMENTAL AUTHORITIES which shall read as follows:

Section 13. The Tribal Council shall prepare and present to the members of the Tribe a budget of proposed expenditures of all tribal funds for the coming fiscal year. The Tribal Council shall have the power to enforce this article by appropriate legislation.

APPROVAL

I, Dennis L. Petersen, acting in behalf of Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted by 10 BIAM 3.1, hereby approve the attached Amendment VIII to the Constitution and Bylaws of the Devils Lake Sioux Tribe of the Fort Totten Reservation, North Dakota.

(Sgd) Dennis L. Petersen
Acting Area Director

Date: May 4, 1981

Aberdeen Area Office
Aberdeen, South Dakota

AMENDMENT
CONSTITUTION AND BYLAWS
of the
DEVILS LAKE SIOUX TRIBE
FORT TOTTEN, NORTH DAKOTA

AMENDMENT X

A new Section 6 is added to ARTICLE V - NOMINATIONS AND ELECTIONS which shall read as follows:

Section 6. No person shall hold any elective office of the Devils Lake Sioux Tribe who has been convicted of a felony in any jurisdiction of the United States. The courts of the Devils Lake Sioux Tribe shall enforce this article.

APPROVAL

I, Dennis L. Petersen, acting in behalf of Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted by 10 BIAM 3.1, hereby approve the attached Amendment X to the Constitution and Bylaws of the Devils Lake Sioux Tribe of the Fort Totten Reservation, North Dakota.

(Sgd) Dennis L. Petersen
Acting Area Director

Date: May 4, 1981

Aberdeen Area Office
Aberdeen, South Dakota

APPROVAL

I, Dennis L. Petersen, acting in behalf of Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted by 10 BIAM 3.1, hereby approve the attached Amendment IX to the Constitution and Bylaws of the Devils Lake Sioux Tribe of the Fort Totten Reservation, North Dakota.

(Sgd) Dennis L. Petersen
Acting Area Director

Date: May 4, 1981

Aberdeen Area Office
Aberdeen, South Dakota

AMENDMENT
REVISED CONSTITUTION AND BYLAWS
OF THE
DEVILS LAKE SIOUX TRIBE
FORT TOTTEN, NORTH DAKOTA

AMENDMENT XI

Section 5., subsections (b) and (c), of Article V of the Tribal Constitution shall be amended to read as follows:

(b) The terms of office of the officer and the district representatives elected in the 1991 general election shall be four years.

(c) The terms of office of the officer and the district representatives which do not expire in 1991 shall be extended for one additional year.

and subsections (d), (e), (f) and (g) shall be added as follows:

(d) The terms of office of each officer and each district representative elected after the 1991 general election shall be four years.

(e) The annual election of the governing body shall be held on the first Tuesday after the first Monday in May.

(f) If the general election cannot be held as provided for herein for any reason, the Tribal Council shall set the date for the general election so as to provide candidates an appropriate amount of time in which to campaign for office.

(g) If the day on which the general election is to be held occurs on a holiday, the election will be held on the next regular business day.

As a result of Amendment XII, the above Section 5. is hereby renumbered Section 3.

XI-21-91
PW

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AMENDMENT
REVISED CONSTITUTION AND BYLAWS
OF THE
DEVILS LAKE SIOUX TRIBE
FORT TOTTEN, NORTH DAKOTA

AMENDMENT XII

Sections 1, 2 and 3 of Article V of the Tribal Constitution shall be incorporated into a new Section 1 to read as follows:

Section 1.

(a) Every election shall be by secret ballot and a majority vote shall govern.

(b) Every enrolled member of the Devils Lake Sioux Tribe of the age of 18 years or more, who has resided on the Reservation for a period of one year immediately prior to the election, shall be entitled to vote in any election.

(c) Every eligible voter shall register in the district of such voter's residence at the time of the election.

(d) Every eligible voter of the age of 25 years or more shall be eligible to be a candidate for district representative or for any other tribal office.

(e) Every eligible candidate shall file a notice of intent to run for office on or before the third Tuesday of March.

(f) A primary election shall be held to select two qualified candidates for each office to be filled at the general election.

(g) The primary election shall be held on the third Tuesday of April. If the day on which the primary election is to be held occurs on a holiday, the election shall be held on the next regular business day.

(h) If the primary election cannot be held as provided for herein for any reason, the Tribal Council shall set the dates for the filing of notices of intent to run and for the primary election.

(i) The general election shall be held 14 days after the primary election. If the day on which the general election is to be held occurs on a holiday, the election shall be held on the next regular business day.

(j) The Tribal Council shall enforce this article by appropriate legislation.

As a result of Amendment XII, the remaining Sections in Article V shall be renumbered as follows:

Section 4. shall be Section 2.
Section 5. shall be Section 3.
Section 6. shall be Section 4.

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AMENDMENT
REVISED CONSTITUTION AND BYLAWS
OF THE
DEVILS LAKE SIOUX TRIBE
FORT TOTTEN, NORTH DAKOTA

AMENDMENT XIII

Section 3., subsection (c), of Article 2 of the Tribal Constitution shall be amended to read as follows:

(c) Any child of one-fourth degree or more Sioux Indian blood born to any member of the Devils Lake Sioux Tribe may be admitted to membership by a majority vote of the Tribal Council.

ELECTION BOARD CERTIFICATION

DEVILS LAKE SIOUX TRIBAL SPECIAL ELECTION

JULY 9, 1996

Blood CONSTITUTIONAL AMENDMENT #1		NAME CHANGE CONSTITUTIONAL AMENDMENT #2	
YES	264	YES	265
NO	125	NO	125
GRAND TOTAL	389	GRAND TOTAL	390

MEASURE #1 (LIQUOR)	
YES	185
NO	204
GRAND TOTAL	389

WE, THE MEMBERS OF THE DEVILS LAKE SIOUX TRIBAL ELECTION BOARD HEREBY CERTIFY THAT THE ABOVE TALLY IS CORRECT AND ACCURATE COUNT OF VOTES AS SHOWN BY THE DISTRICT ELECTION COMMITTEE CERTIFICATION IN THE SPECIAL ELECTION ON JULY 9, 1996 FOR THE DEVILS LAKE SIOUX TRIBE.

CHAIRMAN, ELECTION BOARD

MEMBER, ELECTION BOARD

MEMBER, ELECTION BOARD

MEMBER, ELECTION BOARD

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Aberdeen Area Office
115 Fourth Avenue S.E.
Aberdeen, South Dakota 57401

Tribal Government Services
MC-304

AUG 19 1996

Honorable Carl Walking Eagle, Vice-Chairman
Spirit Lake Tribe
Fort Totten, North Dakota 58335

Dear Vice-Chairman Walking Eagle:

Enclosed are documents of approval for amendments proposed at the July 9, 1996, Devils Lake Sioux Tribal Special Election. Two of the three proposals were accepted by the members of the tribe. Of the three, the liquor proposal for the casino was defeated.

Article X, Adoption and Amendment, requires a minimum of 20 percent participation in the election for amending the constitution. This requirement was satisfied. As evidenced by the Election Board Certification signed by the members of the election board and accepted by the superintendent, two of the proposed amendments were duly adopted by the qualified resident voters of the tribe.

For consistency, Constitutional Amendments 1 and 2 have been renumbered Amendment XIII and XIV and are enclosed with our certificates of approval along with the certification of results of election. The certificates of approval denote the name "Devils Lake Sioux Tribe," which upon approval changed the name to Spirit Lake Tribe.

Please acknowledge receipt of the above-mentioned document on the enclosed extra copy of the certificate of approval and return it through the superintendent to this us.

Sincerely,

Acting Area Director

Enclosures

cc: Superintendent, Fort Totten Agency
Office of Tribal Services, MS 4641-MIB

AMENDMENT
REVISED CONSTITUTION AND BYLAWS
OF THE
DEVILS LAKE SIOUX TRIBE
FORT TOTTEN, NORTH DAKOTA

AMENDMENT XIV

Article 1 of the Tribal Constitution shall be amended to read as follows:

ARTICLE I - NAME

The name of this Indian tribe shall be the Spirit Lake Tribe.

APPROVAL

I, Cora L. Jones, Acting Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted by 10 BIAM 3.1, hereby approve the attached Amendment XIII to the Revised Constitution and Bylaws of the Devils Lake Sioux Tribe.

Cora L. Jones
Acting Area Director

Date: 19 August 96

Aberdeen Area Office
Aberdeen, South Dakota

I hereby acknowledge that I have received a copy of each Certification of Approval on Amendments

APPROVAL

I, Cora L. Jones, Acting Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted by 10 BIAM 3.1, hereby approve the attached Amendment XIV to the Revised Constitution and Bylaws of the Devils Lake Sioux Tribe.

Cora L. Jones
Acting Area Director

Date: 19 August 96

Aberdeen Area Office
Aberdeen, South Dakota